



# MONTANA STATE SENATE

SENATOR JOHN BRUEGGEMAN

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December 13, 2006

Penny Coleman, Acting General Counsel  
National Indian Gaming Commission  
1441 L Street NW, Suite 9100  
Washington, D.C. 20005

Dear Ms. Coleman:

**VIA FACSIMILE: (202) 632-7066**

**SUBJECT:** *Comments on Electronic Or Electromechanical Facsimile  
Definition of "Bingo"*

As a Montana State Senator whose District includes a large portion of the Flathead Indian Reservation, I understand and respect Tribal and Indian Gaming Commission (NIGC) jurisdiction over Class II Gambling. In the State of Montana, however, a large number of electronic gambling devices referred to as Class II are now in play on the Flathead and other reservations, which machines in every rational respect appear to be - and are being played by customers as - Class III gambling devices.

These alleged Class II devices (called "Rocket Bingo") are virtually indistinguishable from slot machines and in fact, that resemblance is openly touted. This appears to be in clear violation of the Indian Gaming Regulatory Act (IGRA), which plainly states that Class II gaming does not include electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

The ramifications for Montana, and particularly my Senate District, are immense. There are dozens of non-tribal operators on the Flathead Reservation, in business for decades, employing hundreds, who have been limited to poker, keno and bingo—in live or electronic forms. They have been limited to 20 machines per establishment and have maximum \$800 payouts. The Confederated Salish and Kootenai Tribes already enjoy sizeable advantages in numbers of machines allowed and payout amounts, yet the non-tribal operators have never complained of these disparities.

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Now, however, with "Rocket Bingo" spreading in its alleged Class II form - the tribes are offering astronomical payouts and can utilize basically unlimited machine numbers. Via this exploited loophole in the Commission's bingo rules, the entire compacting regimen of IGRA is threatened in Montana, as individual tribes can simply refuse to sign a compact with the state, (however reasonable) as has just happened on the Flathead Reservation, and thus shut down non-tribal gaming on the reservation, as has also just happened here, while continuing to operate gambling enterprises themselves by means of this unrecognizable mutation of traditional "bingo" called "Rocket Bingo."

Currently, in Montana, the definition of bingo is being exploited to the point of absurdity, and threatens to seriously damage state and tribal relations for years to come. It has already been a large factor in putting hundreds of Montanans, including many tribal members dependent on now shut-down legitimate Class II gambling, in serious economic distress. I respectfully urge you to expeditiously close these loopholes by adopting your bingo rules as proposed.

Thank you for your consideration.

Sincerely

  
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Sen. John Brueggeman